

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
MIDDLE DIVISION**

**MAC EAST, LLC,
an Alabama Limited Liability
Corporation,**

Plaintiff,

V.

SHONEY'S, LLC,
a Tennessee limited liability company,

Defendant.

**CIVIL ACTION NO.:
2:05-CV-1038(F)**

**UNOPPOSED MOTION TO EXTEND DATE FOR EXCHANGE OF WITNESS
LISTS, IDENTIFICATION OF DEPOSITION TESTIMONY AND
FURNISHING OF EXHIBIT LISTS**

COMES now the Defendant, Shoney's, LLC, and hereby moves this Court to extend the date for disclosure of witness lists, identification of deposition testimony and exchange of exhibit lists by one (1) day.

As grounds for its motion, the Defendant states as follows:

1. Pursuant to this Court's Amended Scheduling Order dated June 27, 2006, the parties are to exchange witness lists, identify relevant portions of deposition testimony expected to be used at trial, and furnish for copying and inspection exhibits and other tangible evidence to be used at trial, all on or before December 20, 2006.
2. Counsel for Defendant has had several absences in staff due to illness.
3. Counsel for Defendant has contacted counsel for Plaintiff, and has secured the agreement of Plaintiff's counsel not to oppose a one (1) day extension in which to make such disclosures, identifications and exchanges.

4. The requested extension will not impact the trial date of this matter.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests that this Court grant its unopposed motion and enter an Order extending the date on which witness lists, identification of deposition testimony and exchange of exhibits is due, from December 20, 2006 to December 21, 2006.

s/ James N. Nolan
James N. Nolan
Middle District I.D. No. ASB-6012-N61J

Paul O. Woodall, Jr.
Middle District I.D. No. ASB-4297-O59P
Attorneys for Defendant, Shoney's, LLC

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CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send a notification of such filing to the following:

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s/ James N. Nolan
OF COUNSEL